

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

UNITED TRANSPORTATION UNION –
ILLINOIS STATE LEGISLATIVE BOARD,

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T03-0015

Petition for rulemaking to require safe walkways
For railroad employees in the state

RECEIVED
JAN 29 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

APPLICATION FOR SUBPOENA DUCES TECUM

NOW COMES, the UNITED TRANSPORTATION UNION – ILLINOIS
STATE LEGISLATIVE BOARD by and through its attorneys, ALPER & MANN,P.C.,
and applies to the Commission for issuance of a subpoena duces tecum.

1. This subpoena duces tecum which Applicant seeks to have issued by the
Commission is for the camera, film and negatives confiscated by the Norfolk Southern
Railroad from Aaron Combs on January 16, 2004 at the Norfolk Southern's Kankakee,
Illinois railroad yard, as indicated in the affidavit of Mr. Combs of January 27, 2004, a
copy of which is attached hereto. The original affidavit has been submitted to the
docket in this proceeding in the United Transportation Union's Exceptions to the
Administrative Law Judge's Proposed Order.

2. Applicant seeks the return of the camera, film, and negatives because it believes
that the information contained on the film is very relevant to the issues involved in this
proceeding and will assist the Commission in arriving at an informed decision in this
matter.

3. The Petitioner has requested the return of the camera and film, and the railroad
has refused to return them to Mr. Combs.

DOCKETED

JAN 29 2004

Dated: JAN. 28, 2004

Lawrence M. Mann
Lawrence M. Mann
1667 K. Strret, NW
11th Floor
Washington, D.C. 20006
(202) 298-9191
Attorney for Petitioner

VERIFICATION

Undr penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this document are true and correct to the best of his knowledge.

Lawrence M. Mann
Lawrence M. Mann

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**UNITED TRANSPORTATION UNION -
ILLINOIS STATE LEGISLATIVE BOARD,**

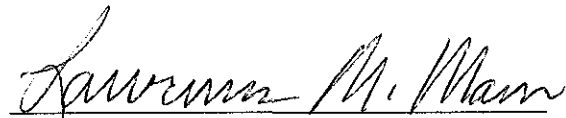
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**Petition for rulemaking to require safe walkways
For railroad employees in the state**

NOTICE OF APPLICATION FOR SUBPOENA DUCES TECUM

TO: Walt Sailors, Trainmaster
Norfolk Southern Railway Company
17301 West Route 17
Kankakee, Illinois 60901

PLEASE TAKE NOTICE THAT on the 28th day of January, 2004, I
filed the attached APPLICATION FOR SUBPOENA DUCES TECUM.


Lawrence M. Mann
Alper & Mann, P.C.
1667 K. Street, N.W.
11th Floor
Washington, D.C. 20006
(202) 298-9191

PROOF OF SERVICE

I herby certify that on January 28, 2004 I mailed, postage prepaid, to all parties
of record, a copy of the Application for Subpoena Duces Tecum.


Lawrence M. Mann

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMERCE COMMISSION**

UNITED TRANSPORTATION UNION)	
-ILLINOIS STATE LEGISLATIVE BOARD,)	
)	TO3-0015
)	
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SUBPOENA DUCES TECUM

The Illinois Commerce Commission- GREETING

**TO: Walt Sailors or his designee
 Norfolk Southern Railroad
 17301 West Route 17
 Kankakee, Illinois 60901**

**YOU ARE REQUESTED TO: Provide the requested material to the
 United Transportation Union
 8 South Michigan Ave.
 Suite 2006
 Chicago, Illinois 60603-3316**

DATE: February14, 2004

**YOU ARE REQUESTED TO BRING: The camera, film, and negatives
 confiscated from Aaron Combs on
 January 16, 2004**

**YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO
PUNISHMENT FOR CONTEMPT OF THE COMMISSION.**

ILLINOIS COMMERCE COMMISSION

DATE: February_____, 2004